

EXHIBIT A

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 08-99000-smb

4 Adv. Case No. 09-01182-smb

5 - - - - - x

6 In the Matter of:

7 BERNARD L. MADOFF INVESTMENT SECURITIES LLC,

8 Debtor.

9 - - - - - x

10 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF

11 BERNARD L. MADOFF INVESTMENT SECURITIES LLC,

12 Plaintiff,

13 v.

14 MERKIN ET AL.,

15 Defendants.

16 - - - - - x

17 U.S. Bankruptcy Court

18 One Bowling Green

19 New York, NY 10004

20 June 1, 2016

21 10:01 AM

22

23 B E F O R E :

24 HON STUART M. BERNSTEIN

25 U.S. BANKRUPTCY JUDGE

1 THE COURT: But what's that have --

2 MS. HOANG: He wanted to --

3 THE COURT: What does that -- what does the lying
4 mean? I mean what does it tell you?

5 MS. HOANG: It tells you that he knew otherwise.
6 He knew facts otherwise, and that he lied to his investors
7 about --

8 THE COURT: I understand that. But what does
9 lying to his investors have to do with his knowledge,
10 subjective knowledge that there was a high probability of
11 fraud?

12 MS. HOANG: It has to do with his lack of -- I
13 mean, this all comes back to his lack of good faith. Why
14 are you lying to your investors? Why don't you tell them
15 the truth? Why don't --

16 THE COURT: I'm sorry, I just don't see the
17 connection. But (indiscernible).

18 MS. HOANG: Let me try to clarify, Your Honor.
19 What we're looking at was willful blindness. And it's what
20 he knew, what he believed, and what others told him. And
21 there's no "gotcha" memo that says, "Oh, you know what? I
22 knew that it was a fraud or it's a Ponzi scheme." We have
23 to infer this from all the -- from the evidence that has
24 been produced in this case.

25 So, how do you infer, from the evidence, that